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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,392	01/26/2001	Naoyuki Orii		4710

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SUGHRUE, MION, ZINN, MACPEAK & SEAS  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037

EXAMINER

NAJJAR, SALEH

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/769,392	<b>Applicant(s)</b> ORII ET AL.	
	<b>Examiner</b> Saleh Najjar	<b>Art Unit</b> 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-9,11-15 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-9,11-15 and 17-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*PD*

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1. This action is responsive to the amendment filed on March 14, 2005. Claims 1-3, 7-9, 13-15, 20-22 were amended. Claims 4, 10, 16 were canceled. Claims 1-3, 5-9, 11-15, and 17-22 are pending. Claims 1-3, 5-9, 11-15, and 17-22 represent system method and program for distributing information useful in specific area to portable terminal.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5, 7-9, 11, 13-15, 17, and 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Martin et al., U.S. Patent No. 6,363,419.

Martin teaches the invention as claimed including a method and system for generating idle content to mobile devices and supporting interaction with content information (see abstract).

As to claim 1, Martin teaches a system distributing information useful in a specific area portable terminals, comprising:

a means for perceiving a visit of the specific area by a customer (see figs. 1-4; col. 11, lines 15-50, Martin discloses detecting the user's location with respect to area of interest); and

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a means for distributing first information useful in the specific area to a portable terminal of the customer perceived visiting the specific area (see col. 7, lines 1-50; col. 11, lines 1-50, Martin discloses that content is targeted to client's based on interest and location of client); and

means for distributing second information, differing from said first information, to portable terminals of customers not perceived to be visiting said specific area (see col. 6, lines 1-60, Martin discloses that other content is distributed to user's such as certain pre-specified events based on the area perceived to be visited by the portable).

As to claim 2, Martin teaches a system for distributing information useful specific area to portable terminals, comprising:

means for registering in advance information useful in the specific area distributing time (see col. 6, lines 10-30; col. 11, lines 10-60, Martin discloses that content is categorized based on user interest, specific events and location);

a means for perceiving a visit of the specific area by a customer (see figs. 1-4; col. 11, lines 15-50, Martin discloses detecting the user's location with respect to area of interest);

a means for distributing first information useful in the specific area to a portable terminal of the customer perceived visiting the specific area (see col. 7, lines 1-50; col. 11, lines 1-50, Martin discloses that content is targeted to client's based on interest and location of client); and

for distributing second information, differing from said first information, to portable terminals of customers not perceived to be visiting said specific area (see col. 6, lines 1-60, Martin discloses that other content is distributed to user's such as certain pre-specified events based on the area perceived to be visited by the portable).

As to claim 3, Martin teaches 3 a system for distributing information useful in a specific area to portable terminals, comprising:

a means for registering in advance first information useful in the specific area, its distributing time and attribute information regarding each spot requesting its distribution

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(see col. 6, lines 10-30; col. 11, lines 10-60, Martin discloses that content is stored that is based on user location and preferences);

a means for registering in advance preference information regarding each customer (see col. 6, lines 10-30, Martin discloses that content representing personalized information is stored for distribution to clients);

means for perceiving a visit of a customer; and a means for distributing, when the the specific area by distributing time comes, only the items regarding which the attribute information of the customer, out of the first be distributed, portable terminal perceived to be visiting said specific area and means for distributing second information, differing from said first information, to portable terminals of customers not perceived to be visiting said specific area (see col. 6, lines 1-60, Martin discloses that other content is distributed to user's such as certain pre-specified events based on the area perceived to be visited by the portable; see col. 7, lines 1-50; col. 11, lines 1-50, Martin discloses that content is targeted to client's based on interest and location of client).

As to claim 5, Martin teaches the system, as claimed Claim wherein: said specific area shopping mall, said first information concerns an event, and customers are enabled participate in the event by responding through terminals (see col. 9, lines 10-40, Martin discloses that clients may interact with targeted content).

Claims 7-9, 11, 13-15, 17, and 20-22 represent system and program that are parallel to method claims 1-3, and 5. Claims 7-11, 13-17, and 20-22 do not teach or define any new limitations above claims 1-3, 5 and therefore are rejected for similar reasons.

5. Claims 6, 12, 18, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al., U.S. Patent No. 6,363,419 in view of Barnowski, U.S. Patent No. 6,813,608.

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Martin teaches the invention substantially as claimed including a method and system for generating idle content to mobile devices and supporting interaction with content information (see abstract).

As to claim 6, Martin teaches the system, as claimed in Claim 1.

Martin fails to teach the claimed limitation wherein said specific area is an amusement park said first information concerns congestion at an attraction site, and customers are enabled book for participation pertinent attraction through said portable terminals.

However, Barnowski teaches a system which allows mobile users in a specific location to initiate searches for particular products or services (see abstract). Barnowski teaches sending users near the location of an amusement park said first information concerns congestion at an attraction site, and customers are enabled book for participation pertinent attraction through said portable terminals (see col. 4, lines 45-50, 55-65; col. 19, line 25-35, Barnowski discloses targeting information specific to an amusement park and allowing for booking and reservation).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Martin in view of Barnowski to provide targeted information concerning nearby amusement parks to enable better targeting of location specific advertisements.

Claims 12 and 18 do not teach or define any new limitations above claim 6 above and therefore are rejected for similar reasons.

As to claim 19, Martin teaches the program of claim 13 above.

Martin fails to teach the claimed limitation wherein the plurality of grouped storage media is divided into a plurality of segments, and each divided segment is recorded on one or another of said plurality of storage media.

However, "Official Notice" is taken that the concept and advantages of dividing the program into a plurality of segments, and each divided segment is recorded on one or another of said plurality of storage media is old and well known in the art.

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It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Martin by dividing the program into a plurality of segments, and each divided segment is recorded on one or another of said plurality of storage media for improved memory organization and access.

6. Applicant's arguments filed on March 14, 2005 have been fully considered but they are not persuasive. In the remarks, the applicant argues in substance that the Martin reference does not teach distributing a first information to users perceived to be visiting a cell and distributing second information different from first information to users not perceived to be visiting the particular cell.

In response, the Martin reference discloses that users entering particular cells are targeted with information pertinent to that area (see col. 6, lines 1-60, Martin discloses that other content is distributed to user's such as certain pre-specified events based on the area perceived to be visited by the portable; see col. 7, lines 1-50; col. 11, lines 1-50, Martin discloses that content is targeted to client's based on interest and location of client). This reads on the broad claimed language of targeting first and second different content based on the perceived visited area/cell.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (571)272-4006. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Saleh Najjar

Primary Examiner / Art Unit 2157